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Trafficking in persons, especially women and children

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, submitted in accordance with Human Rights Council resolution 26/8.

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Report of the Special Rapporteur on trafficking in persons, especially women and children

Summary

In her 2015 report to the Human Rights Council (A/HRC/29/38), the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, identified the linkage between trafficking in persons and conflict as one of the areas under her mandate on which she intended to focus and to carry out further research.

In follow-up to her report presented to the Human Rights Council at its twenty-sixth session (A/HRC/32/41), the present report raises international awareness of the forms and nature of trafficking related to the complex situation of conflict. The first section provides the contextual background and identifies trafficking in persons as an increasingly common feature of modern conflict.

The second section focuses on the contextual perspective by considering the most common forms of trafficking in conflict from three perspectives: (a) trafficking of persons fleeing conflict, addressing the situation of trafficking of persons internally displaced by conflict and that of refugees and asylum seekers fleeing conflict; (b) trafficking during conflict, which investigates trafficking in persons, including boys, girls and migrants, for military service and for purposes of sexual and labour exploitation; and (c) trafficking in post-conflict situations, including trafficking involving peacekeepers.

Lastly, the report offers recommendations to address trafficking in conflict and post-conflict situations in collaboration with States, the United Nations, civil society and the international community in relation to: (a) trafficking of persons in conflict areas or trafficking of persons fleeing conflict; (b) protecting children from trafficking; (c) strengthening responses to address trafficking of women and girls for purposes of sexual exploitation in conflict and post-conflict situations; (d) prevention of trafficking in persons for labour exploitation in conflict and post-conflict areas; and (e) anti-trafficking activities in peacekeeping operations.

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I. Introduction

1. The present report, submitted to the General Assembly pursuant to Human Rights Council resolution 26/8, outlines the activities of the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children. The thematic focus of the report assesses trafficking in persons in conflict and post-conflict situations with a view to protecting victims of trafficking and people at risk of trafficking, especially women and children.

II. Activities of the Special Rapporteur

A. Participation in conferences and consultations[1]

2. On 2 June 2016, the Special Rapporteur addressed the open debate of the Security Council on "Conflict-related sexual violence: responding to human trafficking in situations of conflict-related sexual violence".

3. On 3 June, she took part in a judges' summit on human trafficking and organized crime organized by the Pontifical Academy of Sciences.

4. On 6 June, she participated in a webinar organized by the International Centre for Migration Policy Development on the assessment of the impact of the war in the Syrian Arab Republic and the refugee crisis on trafficking in persons.

5. From 8 to 10 June, the Special Rapporteur took part in the annual meeting of mandate holders of the Human Rights Council special procedures in Geneva.

6. On 13 June, the Special Rapporteur presented her thematic report to the Human Right Council at its 32nd session.

7. On 14 June, she convened a side event on the impact of trafficking on persons fleeing conflict on the margins of the thirty-second session of the Human Rights Council.

8. On 14 July, the Special Rapporteur convened an expert meeting with representatives of multi-stakeholder initiatives and industry coalitions working on tackling the exploitation of workers in supply chains, including an exchange on good practices and challenges in the implementation of measures to combat human trafficking and forced labour in voluntary standards, as well as on lessons learned in the adoption of due diligence measures, monitoring compliance and the establishment of grievance mechanisms.

9. On 30 July, World Day against Trafficking in Persons, the Special Rapporteur issued a press release urging all States to protect people from trafficking, particularly appealing to countries hosting people fleeing conflict, who may be victims or potential victims of trafficking.

[1] For the activities undertaken by the Special Rapporteur between October 2015 and April 2016, see A/HRC/32/41.

B. Country visits

10. The country visit of the Special Rapporteur to Brazil, scheduled for 10 to 19 May 2016, was postponed until 25 January to 3 February 2017, pending confirmation by the Government.

III. Thematic analysis: Trafficking in persons in conflict and post-conflict situations: protecting victims of trafficking and people at risk of trafficking, especially women and children

A. Introduction

11. In follow-up to her report presented at the twenty-sixth session of the Human Rights Council (A/HRC/32/41), the Special Rapporteur wishes to draw the attention of the General Assembly to her assessment of the various ways in which trafficking in persons and conflict interact and intersect, as well as to present additional feedback from Member States and other stakeholders received after her interactive dialogue with the Council. The report to the twenty-sixth session of the Council was well received: 44 Member States and 15 non-State actors intervened and shared their experiences regarding prevention and protections of actual and potential victims. Some recommendations were also exchanged on efforts to address this phenomenon.

12. The report, which includes a number of examples of human trafficking and conflict taken from actual conflict and post-conflict situations, has also benefited from the input of Members States during the open debate of the Security Council on "Conflict-related sexual violence: responding to human trafficking in situations of conflict-related sexual violence", held on 2 June 2016, during the presidency of France, at which the Special Rapporteur made an intervention (S/PV.7704). The statements delivered by Member States reflect the urgent need felt by the members of the Council to address the issue of human trafficking for the purpose of sexual exploitation related to conflict. The expert has also been encouraged by the appointment, on 16 September 2016, of Nadia Murad Basee Taha as Goodwill Ambassador for the dignity of survivors of human trafficking, the first time that a survivor of atrocities has been appointed to such a position. Ms. Taha briefed the Council on the atrocities, including trafficking in persons faced by the Yazidi, particularly women and children, at its meeting on 16 December 2015, at which the Council addressed the issue of human trafficking in conflict for the first time.

13. The preparation of the report also benefited from the continued collaboration between the Special Rapporteur and other institutions on this topic, including Caritas International, the International Centre for Migration Policy Development, the International Organization for Migration (IOM), the Migrants in Countries of Crisis Initiative, the United Nations Organization on Drugs and Crime (UNODC) and the United Nations University, all of whom have worked to pave the way on this issue. Since the identification of the linkage between human trafficking and conflict as a focus of concern under her mandate in her report to the twenty-ninth session of the Human Rights Council (A/HRC/29/38), this issue has garnered increased interest, as evidenced by: (a) the statement by the President of the Security Council on 16 December 2015 (S/PRST/2015/25) requesting, inter alia, that the Secretary-

General report back to the Council on progress made to improve the implementation of existing mechanisms countering trafficking in persons; (b) the interactive dialogue held by the Special Rapporteur with Member States during the thirty-second session of the Human Rights Council in June 2016; and the adoption by the Human Rights Council of resolution 32/3 on trafficking in persons, especially women and children: protecting victims of trafficking and people at risk of trafficking, especially women and children in conflict and post-conflict situations.

B. Context and identification of the problem

14. Human trafficking is an increasingly common feature of modern conflict, whether national or international. Existing forms of trafficking and vulnerabilities ranging from gender-based violence to discrimination to lack of economic opportunities are exacerbated before, during and after conflict. Furthermore, conflict tends to fuel impunity, the breakdown of law and order and the destruction of institutions and communities, which foster conditions within which trafficking will flourish, often beyond the point at which hostilities have ceased. Lack of access to safe and legal migration options forces many persons fleeing conflict to use the services of illegal facilitators, increasing their exposure to exploitation, including trafficking.

15. In order to provide a description and to establish the nature and scope of the problem, in this report the Special Rapporteur presents the most common forms of trafficking in conflict from three perspectives: (a) trafficking of persons fleeing conflict; (b) trafficking during conflict; and (c) trafficking in post-conflict situations. While overlap between these three circumstances is common in practice, it is possible to identify particular features or issues related to trafficking in persons associated with each in order to understand how different situations and vulnerabilities arise and how they can be addressed.

C. Trafficking of persons fleeing conflict

16. Individuals fleeing anticipated or actual conflict, or the aftermath of conflict, are vulnerable to trafficking. The pressure to move is often urgent and intense, leading people to take risks that would be unacceptable under normal circumstances. Conflict weakens State structures, removes protections and enables criminal networks to operate more freely, including across borders. Sometimes trafficking will occur within the conflict zone or in another part of an affected country to which the victims have been displaced. Increasingly, persons who have escaped conflict by fleeing to another country as part of a larger, mixed migration process have become victims of trafficking at some point in their journey or at their destination.

1. Trafficking of persons internally displaced by conflict

17. Internal displacement due to conflict and persecution affects almost 40 million people.[2] Forced displacement can increase the risk of trafficking by weakening or

[2] Office of the United Nations High Commissioner for Refugees (UNHCR), "World at War: Global Trends: Forced Displacement in 2014".

destroying family support structures, community bonds and self-protection mechanisms that might otherwise serve as a buffer against human trafficking. Because internally displaced persons often lack documentation and have limited access to education, resources and self-reliance opportunities, they may be particularly vulnerable to traffickers, who appear to offer life-saving access to employment and other opportunities. Internally displaced persons who fear for their lives and wish to seek protection abroad can also fall prey to traffickers claiming to offer them a route to safety.

18. Criminal networks specifically target impoverished communities, including the internally displaced, in order to exploit their vulnerabilities. Poor and displaced families may entrust the care of their children to traffickers who promise to provide them with education or skills training, but ultimately exploit them for the purposes of prostitution, forced labour and domestic servitude, or irregular adoption.[3] Internally displaced women and girls are often disproportionately affected by loss of livelihoods during displacement (A/HRC/23/44, para. 46). In Jordan for example, Syrian refugees and asylum seekers, including children as young as 3 years old, are lured to work illegally for low wages to sustain families, which puts them at risk of trafficking (A/HRC/32/41/Add.1, para. 11).

19. Conflict-related violence, such as sexual violence, can itself be a driver of forced internal displacement, which in turn increases vulnerability to further exploitation, including through trafficking. For instance, in Colombia, sexual violence by armed groups has forced ethnic minority women and girls in remote rural areas away from their communities and placed them at greater risk of trafficking within the country as well as overseas.[4] Additionally in Myanmar, worsening security situations and overcrowded camps with inadequate basic services cause some internally displaced persons along the border between Kachin State and China to risk crossing borders into China in an irregular manner in search of employment, putting themselves at high risk of exploitation because of their lack of legal status.[5] Military attacks on camps further worsen displacement and cause undocumented internally displaced persons, including women and unaccompanied children, to flee their camps, exposing them to the risk of being exploited or trafficked. In contexts such as South Sudan, the Sudan and the Syrian Arab Republic, parties to conflict took advantage of the vulnerability of displaced and refugee populations to recruit children and commit crimes, including sexual violence and abduction.[6] Security forces in the Democratic Republic of Congo have trafficked displaced persons as forced labourers in mines.[7]

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[3] UNHCR, "Handbook for the Protection of Internally Displaced Persons", Action Sheet 7, "Human Trafficking" (http://www.unhcr.org/4794b4322.pdf).

[4] S/2015/203, para. 20. See also Luz Estella Nagel, "How conflict and displacement fuel human trafficking and abuse of vulnerable groups: the case of Colombia and opportunities for real action and innovative solutions", *Groningen Journal of International Law*, vol. 1, No. 2 (2013); Sonja Wolte, "Armed conflict and trafficking in women", German Agency for Technical Cooperation, 2004; and IOM, "Addressing Human Trafficking and Exploitation in Times of Crisis", Geneva, 2015.

[5] Kachin Women's Association Thailand, "Pushed to the brink: conflict and human trafficking on the Kachin-China border", 2013.

[6] A/70/836-S/2016/360, para. 18.

[7] See Department of State, United States of America, "Trafficking in Persons Report", 2015.

2. Trafficking of refugees and asylum seekers fleeing conflict

20. Increasingly restrictive and exclusionary immigration policies, including criminalization and detention of irregular migrants, insufficient channels for regular migration and family reunification and lack of regular access to the labour market for asylum seekers, refugees and migrants further contribute to an increase in the exploitation of migrants, including through trafficking. This forces migrants, including asylum seekers and refugees fleeing conflict, into the arms of those who can help them circumvent controls.

21. Throughout their journey and at their destination, migrants, including refugees and asylum seekers forced to flee their country because of armed conflict, are highly vulnerable to physical violence, sexual assault, extortion and trafficking, as well as detention by national authorities.[8] Incidence of trafficking and exploitation, primarily among Afghan, Syrian and Iraqi men and boys with low educational levels and travelling alone, is identified among irregular migrants arriving in Europe along the western Balkan routes.[9]

22. The journey of female migrants and unaccompanied children is particularly hazardous. Thousands of such women and children have disappeared, presumably abducted for purposes of trafficking related exploitation.[10] Sudanese and Somalian refugees and asylum seekers fleeing conflict, including numerous unaccompanied children, have been kidnapped or lured from refugee camps or while travelling, sold and subsequently held captive in Libya or in the Sinai desert for purposes of exploitation through extortion.[11] People of the Rohingya Muslim minority fleeing persecution in Myanmar take maritime and overland journeys, often through Thailand, to reach Malaysia as irregular migrants. Initially smuggled across borders, some are subsequently trafficked to fishing boats and palm oil plantations, ending up in bonded labour to repay the debts incurred for their transport. Others are held captive and abused in Malaysia until ransom is paid by their relatives.[12] Since 2011, an increased number of Syrian refugees have been trafficked for purposes of labour exploitation in the agricultural, industry, manufacturing, catering and informal sectors in Jordan, Lebanon and Turkey.[13] Refugees living in such conditions are forced to accept exploitative practices such as longer working hours, lower salaries

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[8] Regional Mixed Migration Secretariat, "Abused and Abducted: The Plight of Female Migrants from the Horn of Africa in Yemen", Mixed Migration Research Series, Study 7, 2014.

[9] International Organization for Migration (IOM), "Addressing Human Trafficking and Exploitation in Times of Crisis", Geneva, 2015.

[10] See Regional Mixed Migration Secretariat, "Abused and Abducted: The Plight of Female Migrants from the Horn of Africa in Yemen", Mixed Migration Research Series, Study 7, 2014 (http://www.regionalmms.org/images/ResearchInitiatives/Abused___Abducted_RMMS.pdf); Human Rights Watch, "Yemen's torture camps: abuse of migrants by human traffickers in a climate of impunity", 2014 (https://www.hrw.org/report/2014/05/25/yemens-torture-camps/abuse-migrants-human-traffickers-climate-impunity); and IOM, Migrants in Countries of Crisis Initiative, "Responding to Human Trafficking and Exploitation in Times of Crisis: Reducing the Vulnerabilities of Migrants in Preparedness, Response and Recovery Efforts", Issue Brief, 2016.

[11] UNHCR, "Smuggling and Trafficking from the East and Horn of Africa: Progress Report", 2013.

[12] A/HRC/29/38/Add.1, para.19, and A/HRC/32/41, para 24.

[13] See A/HRC/32/41/Add.1; International Centre for Migration Policy Development, *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons — A Study of Syria, Turkey, Lebanon, Jordan and Iraq*, Vienna, 2015; and IOM, "Addressing Human Trafficking and Exploitation in Times of Crisis", 2015.

in exchange of meagre wages, inadequate shelter and other exploitative arrangements.

23. After fleeing conflict, children may be compelled to work to sustain themselves and/or to support their families. Unaccompanied children often have no choice but to work to meet their basic needs. Iraqi and Syrian refugee children in Lebanon, for example, work in textile factories, construction, the food service industry, agricultural labour or as street vendors in conditions amounting to forced labour. Moreover, there appear to be organized systems within refugee camps for making these work arrangements.[14] In Iraq and Lebanon, Syrian refugee children are trafficked for purposes of exploitation, including begging and selling items on the street.[15] In May 2015, at least 1,500 children, 75 per cent of whom were Syrian, were reported as begging or working as street vendors in and around Beirut, working excessive hours to earn income for their families.[16] These worst forms of child labour, which often mask other forms of exploitation, such as trafficking for forced labour and sexual exploitation, have negative consequences on children's health and education. Unaccompanied children from Afghanistan and the Sudan in refugee camps in Calais and Dunkirk in France are trafficked for sexual exploitation and forced to commit crimes, including stealing or selling drugs, by traffickers who promise them passage to the United Kingdom of Great Britain and Northern Ireland.[17]

24. Conflict and post-conflict situations increase the vulnerability of those fleeing conflict to trafficking for purposes of organ removal, and enables impunity for exploiters. A system for collecting and selling human organs from fighters, captives and hostages is allegedly established by armed opposition groups, especially the Islamic State of Iraq and the Levant (ISIL) and affiliated armed groups, as a means of financing war.[18] Moreover, there is evidence that migrants fleeing conflict in the Sudan have been trafficked for organ harvesting in Egypt. Palestinians from the Syrian Arab Republic, who use smugglers to travel to Europe through the Sudan and Libya, have also become victims of trafficking for organ removal when they found themselves unable to pay the ransom for their kidnapping.[19] In addition, medical practitioners from post-conflict Kosovo[20] were found to be involved in the trafficking of victims from the Republic of Moldova, the Russian Federation and Turkey to Kosovo for the purpose of organ removal (A/68/256, para. 29).

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[14] See Secours Catholique-Caritas France, Geneviève Colas and Olivier Peyroux, "Trafficking in human beings in conflict and post-conflict situations" July 2016.

[15] See, for example UNICEF and Save the Children, "Small Hands, Heavy Burden: How the Syria Conflict is Driving More Children into the Workforce", July 2015; Secours Catholique-Caritas France, Geneviève Colas and Olivier Peyroux, "Trafficking in human beings in conflict and post-conflict situations", 2015; and IOM, "Addressing Human Trafficking and Exploitation in Times of Crisis", Geneva, 2015.

[16] See Secours Catholique-Caritas France, Geneviève Colas and Olivier Peyroux, "Trafficking in human beings in conflict and post-conflict situations" 2015.

[17] United Nations Children's Fund (UNICEF), "Neither safe nor sound: Unaccompanied children on the coastline of the English Channel and the North Sea", 2016.

[18] See IOM, "Addressing Human Trafficking and Exploitation in Times of Crisis", Geneva, 2015.

[19] International Centre for Migration Policy Development, *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons — A Study of Syria, Turkey, Lebanon, Jordan and Iraq*, Vienna, 2015.

[20] All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

D. Trafficking during conflict

25. Individuals and communities caught up in conflict are vulnerable to a range of human rights violations. Pre-existing conditions and vulnerabilities, such as structural gender-based and other forms of discrimination affecting women, children and non-citizens, are exacerbated during conflict as opportunities for exploitation increase and protections break down. Factors such as the sponsorship system (*kafala*), which is intended to regulate the employer and employee relations in some countries, give employers excessive power and control over migrant workers, increasing their risk of being trafficked. For instance the rescue of trafficked Kenyan female domestic workers in Libya during the conflict in that country posed challenges because their employers, who were responsible for authorizing the workers' exit permits, had fled the country with the their travel documents.[21] Similarly, during the armed conflict in Lebanon in 2006, some of the 300,000 domestic workers from Sri Lanka, Ethiopia and the Philippines who were left behind when their employers were evacuated became vulnerable to traffickers who offered alternative options to livelihood and resident status.[22]

26. Trafficking in persons is not only a consequence of conflict, it can also fuel conflict, as situations of conflict can be prolonged by actors who take advantage of situations of lawlessness to reap personal gain through lucrative activities such as trafficking.

27. In the section below, the Special Rapporteur will examine the issue of the trafficking of children into military service — one of the worst forms of child labour, as well as their trafficking for sexual and labour exploitation during conflict involving all persons, including boys, girls and adult migrants.

1. Trafficking of children into military service

28. The United Nations Children's Fund (UNICEF) estimates that some 300,000 boys and girls under the age of 18 are involved in more than 30 conflicts worldwide.[23] One in three children in the Kurdistan region of Iraq has been approached for forced or compulsory recruitment in armed conflict.[24] Moreover, children are especially vulnerable to being trafficked into military service by Government armed forces, paramilitary groups and rebel groups if they are separated from their families, are displaced from their homes, live in combat areas or have limited access to education.[25]

29. Children trafficked into forced military service perform a variety of combatant and supportive roles. Many children, typically boys, are forcibly recruited or kidnapped for use by armed militias in ongoing conflicts.[26] Children are also used as

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[21] See IOM/Migrants in Countries in Crisis Initiative, "Responding to Human Trafficking and Exploitation in Times of Crisis", Issue Brief, January 2016.

[22] See https://www.unodc.org/unodc/en/human-trafficking/prevention.html.

[23] UNICEF Fact sheet, "Child soldiers" (available from: http://internalvoices.org/wp-content/uploads/2013/04/childsoldiers.pdf).

[24] UNICEF and Save the Children, "Small Hands, Heavy Burden: How the Syria Conflict is Driving More Children into the Workforce", July 2015.

[25] UNICEF Fact sheet: Child soldiers" (available from http://internalvoices.org/wp-content/uploads/2013/04/childsoldiers.pdf).

[26] See Secours Catholique-Caritas France, Geneviève Colas and Olivier Peyroux, "Trafficking in human beings in conflict and post-conflict situations" 2015.

suicide bombers and human shields.[27] For instance in Iraq, ISIL and other extremist groups traffic boys and young men, including members of the Yazidi minority, into armed conflict, radicalize them to commit terrorist acts using deception, death threats or the offer of money and women as rewards.[28] Others are compelled to work as porters, cooks, guards and messengers or are forced to commit crimes, such as looting and physical and sexual violence. Boys and girls in these situations are often sexually abused and may also be forced to take drugs.[29]

30. While the forcible recruitment of children often involves abduction or coercion, recruiters also appeal to notions of martyrdom or social and economic factors or employ trickery or indoctrination to enlist children. There are instances where the Internet, particularly social media, has been used by extremist groups in a deceptive manner to exploit the vulnerability of educated young children from middle class families in Western countries in order to recruit them.[30]

31. It is estimated that 10 to 30 per cent of children in fighting forces are female.[31] Girls who are forcibly recruited or abducted into military service typically face forced domestic labour and sexual violence and exploitation such as forced marriage and/or sexual slavery (see paras. 32-35 below). It is important to acknowledge that while violence and exploitation are often defining aspects of the female experience of conflict, this is not always the case. Young women and girls have also been involved in trafficking by deceiving other girls and boys into joining armed conflict, using the Internet and social media.

2. Trafficking of women and girls for sexual exploitation

32. Conflict-related sexual violence takes many forms. Women and girls seeking to survive in conflict zones are often compelled to exchange sexual services and even to "marry" for food, shelter, protection or safe passage.[32] UNHCR has affirmed that women in conflict situations are vulnerable to a range of discriminatory practices that exacerbate their dependence (for example, receiving smaller food rations or not having ration cards or other identity documents in their own name) and are disproportionately exposed to sexual violence.[33] For women and girls abducted into military service, sexual assault is often a feature of their experience. Rape has been used as a tactic of war to humiliate and weaken the morale of the enemy, ethnically cleanse the population, destabilize communities and force

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[27] See Department of State, United States of America, "Trafficking in Persons Report", 2015.

[28] See International Centre for Migration Policy Development, *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons — A Study of Syria, Turkey, Lebanon, Jordan and Iraq*, Vienna, 2015.

[29] See Sonja Wolte, "Armed conflict and trafficking in women".

[30] See Ashley Binetti, "A new frontier: human trafficking and ISIS's recruitment of women from the West", Information2Action, Georgetown Institute for Women, Peace and Security, 2015; Brigette L. Nacos, "Young Western Women, Fandom, and ISIS", *E-International Relations*, 5 May 2015; Lisa Blaker, "The Islamic State's use of social media", *Military Cyber Affairs*, vol. 1, No. 1, 2015; and Scott Gates and Sukanya Podder, "Social Media, Recruitment, Allegiance and the Islamic State", *Perspectives on Terrorism*, vol. 9, No. 4, 2015.

[31] Child Soldiers International, "A dangerous refuge", July 2015.

[32] See Sonja Wolte, "Armed conflict and trafficking in women", and IOM, "Addressing Human Trafficking and Exploitation in Times of Crisis", Geneva, 2015.

[33] See Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding*, United Nations Development Fund for Women (UNIFEM), New York, 2002.

civilians to flee.[34] Widespread or systematic sexual assault by government and/or opposition or rebel forces has been documented in multiple modern conflicts, including in the reports of the Secretary-General on conflict-related sexual violence, issued annually since 2009, in which he has identified incidents and patterns of sexual violence in conflict-affected countries employed by parties to armed conflict, primarily against women and girls but also against boys and men (see S/2015/203).

33. The trafficking of women and girls for sexual exploitation, including sexual slavery, forced marriage, forced prostitution and forced pregnancy, features within the broader picture of sexual violence perpetrated against the civilian population during and in the wake of conflicts. The nexus between trafficking in persons and sexual violence is further affirmed in the statement of the President of the Security Council of 16 December 2015 (S/PRST/2015/25), which underscores the urgency of efforts to deter, detect and disrupt trafficking in persons, including by terrorist and violent extremist groups. Although some form of abduction has been a feature of armed conflicts in the past, recently there has been an egregious pattern of abducting women and girls from their homes or schools in conflict-affected settings. These women and girls may subsequently be forced to marry and/or serve as sex slaves. Such exploitation, which in some cases also involves trafficking for forced marriage and sexual enslavement by extremist groups such as ISIS, Boko Haram and their affiliates, is believed to be a strategy to generate revenue as well as to recruit, reward and retain fighters. For instance, it is reported that Yazidi women and girls are being trafficked for sexual enslavement by ISIS between Iraq and the Syrian Arab Republic (A/HRC/32/CRP.2, paras. 127 and 174). In order to prevent such abductions, families are reported to be confining women and girls and removing girls from school (S/2015/203, para. 61).

34. Trafficking for the purpose of sexual exploitation is perpetrated not only by organized criminal groups. For instance, Syrian refugee women and girls may be trafficked for sexual exploitation through the practice of "temporary" or child and/or forced marriages. They may be forcibly married by their parents, who view such arrangements as a way of securing their daughters safety and ensuring the family's livelihood through the bride price. Once married, such wives are likely to end up in a situation of sexual and domestic exploitation by a spouse whom they followed abroad (A/HRC/32/41/Add.1). Trafficking for forced prostitution through marriages with foreign men who then force their "brides" into prostitution in another country is also common.

35. Survivors of trafficking, sexual slavery and other forms of sexual violence perpetrated during periods of armed conflict rarely receive the assistance they need to reintegrate into society. Too often, survivors face discrimination and stigma in their families and in the wider community, which may make them vulnerable to being retrafficked, further stalling their rehabilitation and reintegration. Stigmatization as well as deficient judicial and legal systems typically impede access to justice for survivors. Access to justice is further impeded by discriminatory laws and regulations. Additionally, sexual and reproductive health services, trauma counselling and reintegration support, such as education and livelihood assistance, are severely

[34] Security Council resolutions 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013) and 2242 (2015). See also United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), "Women2000: Sexual Violence and Armed Conflict: United Nations Response", 1998.

limited in conflict and post-conflict areas, leaving the physical and psychological health needs of victims unmet.

3. Trafficking of migrant workers into conflict zones

36. Migrant workers in conflict zones have a heightened risk of exposure to human trafficking. Recruitment agents and their intermediaries in countries of origin deceive workers about their country of final destination, the nature of the work and their working and living conditions and, unknowingly, such workers find themselves forced into employment in conflict-affected countries. For instance, a man from the Philippines was allegedly promised employment in Turkey, but was instead trafficked for labour exploitation to the Kurdistan region of Iraq.[35]

37. Moreover, migrant workers can also be trafficked into conflict zones by private contractors employed by States and their military forces to support large-scale military operations. While not all situations of contracting and subcontracting involve trafficking for labour exploitation, there have been cases where large firms that hold the prime contract with States and their militaries hire migrant workers through smaller subcontractors or local employment agencies to perform certain tasks, including cleaning, construction, cooking and serving and haircutting.

38. A pattern of deceptive recruitment, excessive recruitment fees, confiscation of workers' passports, dangerous working conditions and poor living conditions, debt bondage, underpayment or non-payment of wages and other types of abuse and exploitation are, in some cases, indicative of trafficking in persons for labour exploitation within the scope of the international legal definition. Examples include the exploitative recruitment of South Asian migrant workers to provide service at military worksites in conflict areas in the Middle East. Subcontractors deceive workers about the identity of the country where they will be working, which is more dangerous than the promised country of destination, as well as about the type of work they will be doing, and also withhold workers' passports to prevent them from fleeing the conflict zone where they were deceived into working.[36]

E. Trafficking in post-conflict situations

39. Post-conflict situations are typically characterized by absent or dysfunctional justice and law enforcement institutions, and consequently by: a climate of impunity that fosters violent criminal networks; high levels of poverty and lack of basic resources; significant inequality; large populations of highly vulnerable individuals (displaced persons, returnees, widows, unaccompanied children); fractured communities and lack of trust; and militarized societies tolerant of extreme levels of violence. These features render men, women and children in post-conflict societies especially vulnerable to trafficking.

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[35] See International Centre for Migration Policy Development, *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons*, Vienna, 2015.

[36] See American Civil Liberties Union and Allard K. Lowenstein, "Victims of Complacency: The Ongoing Trafficking and Abuse of Third Country Nationals by U.S. Government Contractors" International Human Rights Clinic, Yale Law School, 2012; and IOM/Migrants in Countries in Crisis Initiative, "Responding to Human Trafficking and Exploitation in Times of Crisis" Issue Brief, 2016.

40. In the post-conflict climate, the vulnerability of women and girls to trafficking-related exploitation is heightened by their relative lack of access to resources, education, personal documentation and protection. In fact it is common for societies to experience a rise in trafficking for sexual exploitation (for example, forced prostitution) as well as other forms of gender-based violence, such as rape and domestic violence, after a conflict has formally come to an end.[37] However, these crimes are underreported due, inter alia, to stigmatization of survivors and inadequate services for them. Moreover, the demand for cheap labour in the aftermath of crises, when countries and businesses start to rebuild, could also lead to trafficking. This was experienced by Ukrainian construction workers who were trafficked for labour exploitation in Iraq.[38]

Trafficking involving peacekeepers

41. In 2015, more than 123,000 United Nations military, police and civilians were deployed in 16 operations around the world to prevent or contain fighting; stabilize post-conflict zones; help implement peace accords; and assist in democratic transitions (see A/70/95-S/2015/446). Other intergovernmental bodies, including the African Union and the North Atlantic Treaty Organization (NATO), also have large numbers of personnel on the ground supporting the maintenance of peace and security, including in post-conflict situations.

42. Peacekeeping forces play a vital role in protecting communities, including women and children, from the violence and exploitation that is a common feature of post-conflict situations. However, foreign forces can also exacerbate, and sometimes even contribute directly to, such harm. A large, militarized and predominantly male international presence can fuel the demand for goods and services produced through trafficking for labour and/or sexual exploitation.

43. A 2010 study, using Haiti, Kosovo and Sierra Leone as case studies, demonstrates the link between the introduction of peacekeeping forces into a conflict zone and the subsequent increase in human trafficking as a direct result of an increase in demand for sexual services.[39] The relationship between deployed troops and the demand for trafficked women was also unmistakable in the countries of the former Yugoslavia, where demands for sexual services created by peacekeepers led to an expansion of the sex industry, with many of the women trafficked and sexually exploited forced to work in brothels established expressly to

[37] See Elisabeth Rehn and Johnson Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding*, United Nations Development Fund for Women (UNIFEM), New York, 2002; Rashida Manjoo and Caleigh McRaith, "Gender-Based Violence and Justice in Conflict and Post-Conflict Areas", *Cornell International Law Journal*, vol. 44, No. 1, 2011; and *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325*, UN-Women, 2015.

[38] See IOM/Migrants in Countries in Crisis Initiative, "Responding to Human Trafficking and Exploitation in Times of Crisis", Issue Brief, 2016.

[39] Charles A. Smith and Brandon Miller-de la Cuesta, "Human Trafficking in Conflict Zones: The Role of Peacekeepers in the Formation of Networks", *Human Rights Review*, vol. 12, No. 3, 2011.

serve United Nations peacekeepers.[40] The past involvement of military, peacekeeping, humanitarian and other international personnel in trafficking and related exploitation during post-conflict periods has been documented in multiple countries, including Angola, Bosnia and Herzegovina, Cambodia, the Democratic Republic of the Congo, East Timor, Kosovo,[41] Liberia, Mozambique, Sierra Leone and Somalia.[42]

44. International personnel are generally deployed to conflict or immediate post-conflict situations in which populations are vulnerable and where basic institutions, including law enforcement, are fragile or non-existent (see A/59/710). The increased demand for sexual services as a result of the presence of international personnel, including peacekeepers, further exacerbates women's social and economic vulnerabilities in a fragile post-conflict society and promotes an economy of exploitation, which can support trafficking networks in the longer term. For instance, the recent cases of sexual abuse and exploitation by peacekeepers in the Central African Republic,[43] who prey on the economic vulnerability of children and women as well as on their need for assistance and protection, could, in some cases, be linked to trafficking for the purpose of sexual exploitation.

F. International legal framework

45. An overview of the international legal framework around trafficking in conflict and post-conflict situations, which draws on multiple branches of law, including transnational criminal law, international humanitarian law, international criminal law, refugee law and human rights law, is provided by the Special Rapporteur in her report to the thirty-second session of the Human Rights Council (A/HRC/32/41, paras. 44-55). The report also covers the laws and instruments that address specific violations related to trafficking in conflict and post-conflict situations.

46. In the above-mentioned report, the Special Rapporteur also identified the entitlement of victims of trafficking to due diligence protection and prevention against trafficking in persons by States, whether in times of conflict or otherwise (A/HRC/32/41, para. 56). These rights include: the right to be identified; the right to

[40] See E/CN.4/2006/62/Add.2; Human Rights Watch, "Bosnia and Herzegovina — Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution", 2002; Keith Allred, "Combating human trafficking", *NATO Review* (2006); and Elisabeth Rehn and Johnson Sirleaf, *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding*, United Nations Development Fund for Women (UNIFEM), New York, 2002.

[41] All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

[42] See Sarah E. Mendelson, *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans*, Centre for Strategic and International Studies, 2005; Chiyuki Aoi, Cedric de Coning, and Ramesh Thakur, eds., *Unintended Consequences of Peacekeeping Operations*, United Nations University Press, 2007; Keith J. Allred, "Peacekeepers and Prostitutes: How Deployed Forces Fuel the Demand for Trafficked Women and New Hope for Stopping It," in Cornelius Friesendorf, ed., *Strategies against Human Trafficking: The Role of the Security Sector*, Vienna, 2009; Heather M. Smith and Charles A. Smith, "Human Trafficking: The Unintended Effects of United Nations Intervention", *International Political Science Review*, vol. 32, 2011.

[43] See A/70/729; see also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18548&LangID=E.

protection; the right to assistance and support; access to remedies; and the right to safe return/protection from retrafficking/protection from persecution.

G. Additional observations subsequent to the presentation of the report of the Special Rapporteur to the Human Rights Council

47. The following section highlights additional feedback from Member States and other stakeholders during the interactive dialogue held between the Special Rapporteur and the members of the Human Rights Council and the Security Council, convened in an open debate on the theme "Conflict-related sexual violence: responding to human trafficking in situations of conflict-related sexual violence". During the dialogue the Special Rapporteur made an intervention addressing the link between trafficking and conflict. The paragraphs below do not provide an exhaustive list of the topics discussed, but address some of the most frequently recurring issues pertaining to the thematic at hand.

1. Prevention of trafficking in persons in conflict and post-conflict settings

48. Victims of trafficking are entitled to the same rights, due diligence protection and prevention against trafficking in persons by States whether in times of conflict or otherwise. To achieve this, anti-trafficking responses should be initiated at the very outset of a conflict and should be addressed systematically in all crisis situations.[44] Failure to consider risk factors of human trafficking at the beginning of a conflict situation, or allowing evidence of exploitation to emerge before responding, as reactive response, is not effective. A response triggered by the presence of victims of exploitation or abuse is a response that comes too late as it has failed to address the crime of trafficking when it actually began.

49. In this regard, the prevention of trafficking in the context of large movements of people has recently been addressed, including at the various international and regional workshops and meetings that led to the establishment of the guidelines to protect migrants in countries experiencing conflict or natural disasters held under the auspices of the Migrants in Countries in Crisis Initiative. Prevention of trafficking is also expected to be one of the focus areas at the General Assembly high-level plenary meeting on addressing large movements of refugees and migrants, to be held on 19 September 2016.

50. Other opportunities to prevent trafficking in persons in times of armed conflict and otherwise include the use and adaptation of existing pre-conflict anti-trafficking tools for the prevention of trafficking at the national, regional and international levels. These include national plans of action to address trafficking in persons, the ratification and domestication of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other relevant international human rights and humanitarian law instruments, the implementation of the 2030 Agenda for Sustainable Development (resolution 70/1) and the United Nations Global Plan of Action to Combat Trafficking in Persons (resolution 64/293).

51. The use of the Internet and social media for the deception, recruitment, indoctrination and sale of potential and actual victims of trafficking, especially women and children, by extremist non-State armed groups has been mentioned

[44] See IOM, "Addressing Human Trafficking and Exploitation in Times of Crisis", Geneva, 2015.

above (see paras. 30 and 31). Preventive measures aimed at countering the broadcasting of online messages for this purpose, including through targeted media campaigns using credible actors such as former members, respected community or religious elders, have been shared by States and by numerous other entities working in the field. In this regard, the example of the online videos distributed by the British Metropolitan Police Service of Syrian refugee women warning foreign women about the realities of life under ISIL to counter the fraud and deception that drive online recruitment was highlighted.[45]

52. The benefit of trained law enforcement, peacekeeping and humanitarian personnel has also been mentioned both by States and by other entities active in the field as a means of preventing trafficking in persons, especially women and children. In this regard, several examples of successful joint cooperation between States to train law enforcement officials and to conduct joint anti-trafficking operations were mentioned, including the recent joint exercises between European and African law enforcement officials organized by the Centre of Excellence for Stability Police Units and the Organization for Security and Cooperation in Europe, which were focused on reducing human trafficking along migrant routes.[46]

53. The private sector is another actor that could play a positive role in preventing trafficking in persons for labour exploitation and other labour abuses of persons fleeing conflict. In this regard, private sector initiatives have developed guidance to help companies that operate in areas with presence of refugees to understand and identify indicators of risk with regard to labour exploitation and to assist them in implementing due diligence measures to prevent and mitigate labour abuses within their supply chains. One such initiative is the recently published guidance on "Syrian refugees working in Turkey" issued by the Business Social Compliance Initiative and the Foreign Trade Association.[47]

2. Protection of victims and potential victims of trafficking

54. States are required by international law to take effective measures to ensure that victims of trafficking under their jurisdiction or effective control are protected from further exploitation and harm.

55. However, during conflict even the most basic and urgent victim protection measures may be difficult to secure. For example, effective protection to the victims of forced marriage and sexual enslavement at the hands of ISIS and Boko Haram is proving challenging. Post-conflict societies may also lack the capacity to undertake necessary risk assessments and provide required protections to victims and potential victims of trafficking due to inadequate or non-existent referral mechanisms. Moreover, trafficking in persons is currently not taken into consideration within existing humanitarian and peacekeeping operations in conflict and post-conflict

[45] Melanie Smith, "Who can prevent British women joining Isis? Those who have returned", *The Guardian*, 2016 (www.theguardian.com/world/video/2016/jan/12/syrian-mothers-urge-uk-women-not-to-take-their-families-to-war-zone-video).

[46] The Centre of Excellence for Stability Police Units hosts exercises to address the alarming increase in human trafficking along migrant routes (https://www.army.mil/article/170730/coespu_hosts_exercises_to_address_alarming_increases_in_human_trafficking_along_migrant_routes).

[47] Business Social Compliance Initiative and Foreign Trade Association, "Guidance Document: Syrian Refugees Working in Turkey", 2016 (www.bsci-intl.org/sites/default/files/Guidance-Document-Syrians-in-Turkey%20-final.pdf).

situations. As a result, many victims and potential victims of trafficking, especially those fleeing conflict, remain undetected, primarily due to lack of trained officials likely to encounter and identify possible victims of trafficking in persons, such as law enforcement, peacekeepers and humanitarian personnel. Victims may also refrain from seeking protection due to the social stigmatization linked to certain forms of trafficking, including sexual exploitation, possible retaliation from traffickers, discrimination or mistrust of authorities.

56. Discussions on how to break the trafficking cycle while focusing on the rights and needs of all trafficked persons or potential victims of trafficking echoes the sentiments contained in the statement by the President of the Security Council of 16 December 2015, which urged relevant United Nations agencies operating in armed conflict and post-conflict situations to build their technical capacity to assess conflict situations for instances of trafficking in persons, proactively screen for potential victims of trafficking and facilitate access to needed services for identified victims.[48]

57. Furthermore, States should establish or adapt existing mechanisms and procedures designed to ensure victim protection for the purpose of detecting trafficking cases or the risk of trafficking in all locations where there are large influxes of migrants and refugees, including hotspots, reception centres and administrative detention centres for migrants. While existing referral mechanisms are generally based within or related to police operations, detection and protection of trafficking victims or people exposed to a high risk of trafficking as a result of their attempts to flee conflict should rather be based on procedures established in close cooperation between social authorities and civil society organizations. States have an obligation to detect cases of trafficking and to ensure the full implementation of national legislation providing victims with assistance and support, and such support should not be made conditional on the initiation of criminal proceedings, the legal qualification of the crime or victims' cooperation with law enforcement authorities. Moreover, States should consider extending a number of measures, especially by providing assistance in securing employment, to people at risk of trafficking and exploitation.

58. With regard to gaps in the financial capacity of actors to address human trafficking, the subject of international cooperation between States to, inter alia, finance existing mechanisms such as the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery has been raised. These funds can be used to provide much needed resources and capacities to humanitarian actors, who often bear the burden of providing protection from within limited means, and sometimes beyond their range of abilities.

3. Impunity

59. The majority of States have enacted anti-trafficking laws. Of those States that have adopted such laws, 41 per cent have reported no trafficking convictions, or fewer than 10, per year,[49] a figure that reveals the extent of impunity for perpetrators involved in the crime of trafficking in persons, whether government employees, members of the military or peacekeeping, humanitarian and other international personnel during conflict and post-conflict situations. Impunity is a

[48] See S/PRST/2015/25.

[49] See UNODC, *Global Report on Trafficking in Persons* (2014).

contributing factor to trafficking in persons. The accountability of those who engage in trafficking in persons in situations of armed conflict mitigates the risks of trafficking. In cases where national criminal justice systems fail or lack the jurisdiction to appropriately respond to trafficking, the possibility of international, hybrid or regional courts prosecuting cases of trafficking, within the scope of their jurisdiction, with the possibility of including crimes of human trafficking within the legal statutes of such courts so as to ensure accountability and fight impunity, is a matter under discussion.

60. Using existing sanctions regimes of the Security Council such as the ISIL and Al-Qaida regimes (see resolution 2253 (2015)), including Boko Haram, to cover human trafficking crimes in conflict by, inter alia, including specific references to trafficking was further raised by some States and entities active in the field as possible tools to address impunity for trafficking in persons.

61. Human trafficking is a serious crime under international law, but in the present circumstances it is also a low risk, high profit organized crime. As such, States noted that monitoring the illicit financial flows it generates for criminal networks and terrorist groups engaged in cross-border transactions could be a means to address impunity, although most transactions appear to rely on non-formal financial systems.

IV. Conclusion

62. Trafficking in persons in conflict and post-conflict situations is not just a possible result, but rather a consequence of crisis and conflict on a regular basis, and it must therefore be seen and addressed as a systemic outcome of conflict. Conflict-related trafficking is rarely detected, however, and even less addressed.

63. Conflict influences the form and nature of trafficking in different ways. The severity of trafficking-related exploitation appears to be high when it occurs during conflict, and may be even greater in post-conflict situations, enhanced by conditions that are themselves a cause or consequence of conflict, such as impunity and an increase in generalized violence. Certain forms of trafficking-related exploitation, such as forced military recruitment of both children and adults, are either specific to conflict or more prevalent in situations of conflict. Sexual exploitation is another form of trafficking that intersects with the dynamics of situations of conflict, including the use of proceeds from the trafficking, trading and ransoming individuals to purchase arms and pay fighters, which perpetuates the cycle of violence against civilians.

64. A range of conditions particular to or commonly associated with situations of conflict fuel trafficking by amplifying vulnerabilities and increasing opportunities for exploitation. These include, but are not limited to, a distorted economy that is heavily reliant on criminality and the presence of organized criminal groups already involved in cross-border trafficking of arms, drugs and other illicit products that have the capacity to expand their activities into trafficking in persons and are therefore in a position to take advantage of additional opportunities to generate profit. A weak or non-existent justice and protection system that perpetuates impunity fails to protect the most vulnerable groups and individuals of society from exploitation. Other factors

include a high prevalence and toleration of violence that extends beyond armed forces to include communities and families, as well as pressure to move, leading to dangerous migration decisions. Failure to consider anti-trafficking responses within humanitarian or peacekeeping efforts at the outset of conflicts further increases the vulnerability of trafficked persons or potential victims of trafficking.

65. These and other factors do not just create the conditions under which trafficking can occur, they also exacerbate the vulnerability of those who may already be susceptible to being trafficked, including migrants, asylum seekers, refugees, women and girls and children travelling alone.

66. In addition, the nature and forms of trafficking in persons associated with conflict are highly gendered. For example, abduction into military forces affects males and females differently. Men and boys are typically forced into soldiering while women and girls are generally forced into support roles, and they typically face much greater risk of sexual assault as either a primary purpose or an additional manifestation of their exploitation. As previously noted, sexual enslavement, a practice exacerbated by situations of conflict, is highly gendered in that it disproportionately affects women and girls. Other forms of trafficking-related exploitation particular to or especially prevalent in conflict, including forced and temporary marriage, are highly gendered in their motivation and impact, which underscores the importance of a gender analysis in all trafficking prevention efforts and responses.

67. Finally, while the present report of the Special Rapporteur is aimed at raising international awareness of the forms and nature of trafficking in persons in conflict and post-conflict situations on the basis of existing reliable information, she highlights the fact that, as new types of conflict arise, and modern means of combat are used, further research on this subject will be needed.

V. Recommendations

68. In view of the legal responsibility of States to identify, protect and assist trafficked persons in all circumstances, including in conflict and post-conflict situations, and to work to ensure that those responsible for violations of human rights are held accountable, the Special Rapporteur offers the following recommendations. Given the timeliness and the importance of the thematic addressed in this report, and taking into account the central role of the General Assembly, other United Nations bodies and institutions, especially on conflict-related issues, the Special Rapporteur also wishes to reiterate the recommendations contained in her report to the thirty-second session of the Human Rights Council (A/HRC/32/41).

A. Recommendations in relation to trafficking of persons in conflict areas or trafficking of persons fleeing conflict

69. All States, particularly those hosting potential victims of trafficking among persons fleeing conflict, should:

(a) Protect people, particularly children, women and minority groups in conflict-affected areas and people fleeing conflict, from all forms of trafficking in persons;

(b) Identify measures to prevent exploitation of the labour of nationals and non-nationals fleeing conflict, including by establishing safe and legal channels of migration, respecting the principle of non-refoulement and ensuring that migrants have regular access to the labour market in the host country, in cooperation with United Nations agencies and programmes and international organizations;

(c) Ensure free-of-charge birth and marriage registration of nationals and non-nationals fleeing conflict, including in internally displaced person and refugee camps, in cooperation with United Nations agencies and programmes and international organizations, in order to prevent or address potential trafficking in children for sexual and other forms of exploitation and the exploitation of the labour of individuals, particularly underage children and women;

(d) Prevent and prosecute all forms of trafficking in persons for all purposes, including for temporary, forced and/or servile marriages;

(e) Grant non-national victims of trafficking residence status and assistance, not to be made conditional on the initiation of criminal proceedings or their cooperation with law enforcement authorities;

(f) Adequately train all stakeholders, including peacekeepers and humanitarian personnel working in conflict zones, in refugee camps and in areas of arrival of large influxes of people fleeing conflict, to identify trafficking or risks of trafficking, in cooperation with United Nations agencies and programmes, international organizations, host countries and civil society organizations;

(g) Establish and/or adapt national procedures for assistance and protection services for victims and potential victims of trafficking in persons, including gender- and child-sensitive measures, to detect trafficking cases and indications of the risk of trafficking in all locations where there are large influxes of refugees and migrants, including hotspots, reception centres and administrative detention centres for migrants;

(h) Involve national and local social authorities and civil society organizations in procedures to detect trafficking cases and indications of the risk of trafficking, as well as in the organization of assistance, protection and support for victims and potential victims in cases where a high number of people are identified; such measures must not be made conditional on the initiation of criminal proceedings, the legal qualification of the crime or the cooperation of victims with law enforcement authorities;

(i) Consider extending a number of protective measures, especially by providing assistance in securing employment, to people at risk of trafficking and exploitation;

(j) Not detain, prosecute or punish victims of trafficking for violations of immigration laws or for unlawful activities they were involved in as a direct consequence of their situation as trafficked persons, including violations and

offences linked with prostitution, petty crime and irregular entry/stay in the host country;

(k) Consider donating funds regularly for the protection and assistance of victims in conflict to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and the International Criminal Court Trust Fund for Victims.

70. United Nations agencies and programmes, international organizations and humanitarian actors should:

(a) Address trafficking in persons in conflict situations in a systematic manner, starting from the outset of the conflict, even if incidents of trafficking have not been previously detected, and identify trafficking cases or risks of trafficking at an early stage, including trafficking for the purpose of sexual exploitation and labour exploitation or other forms of exploitation in source, transit or host countries;

(b) Share and apply measures, methodologies and indicators to address trafficking in persons as early as possible and prevent such trafficking from the outset of a conflict/crisis;

(c) Establish or revise existing standard operating procedures and conduct training for personnel, including personnel of contractors and implementing agencies who are likely to enter into contact with victims and potential victims of trafficking; such procedures and training should include instructions concerning protective measures, including appropriate and tailored assistance, to be applied when indications of trafficking, exploitation or risk of trafficking are found, in collaboration with national and local authorities and civil society organizations;

(d) Include prevention of trafficking in persons as part of life-saving protection activities from the outset of a conflict/crisis;

(e) Include rights-based anti-trafficking response/action in existing cluster systems for humanitarian action;

(f) Cooperate with State and non-State actors involved in the short- and long-term response to conflict, including with respect to the social integration of victims of trafficking in persons.

B. Recommendations in relation to the protection of children from trafficking in persons

71. States hosting, among persons fleeing conflict, children who may have been or are at risk of being victims of trafficking in persons should:

(a) Prevent trafficking in persons, especially targeting isolated children such as orphans, children left behind by parents fleeing conflict, children moving alone to flee conflict areas or those in camps, in cooperation with civil society organizations, United Nations agencies and programmes and international organizations;

(b) Adopt proactive measures to protect children caught in conflict that are based on the best interest of the child and in line with international humanitarian, human rights and refugee law, when indications of child trafficking or risk of child trafficking are identified;

(c) Recognize the specific vulnerability of trafficked girls or potential victims of trafficking for sexual and labour exploitation in conflict and post-conflict situations and take measures to reduce their vulnerabilities;

(d) Ban administrative detention of children, in particular, but not only, for violations of immigration laws and regulations;

(e) Ensure that trafficked children and any other trafficked persons are not detained, prosecuted or punished for violations of immigration laws or for unlawful activities they are involved in as a direct consequence of their situation as trafficked persons.

72. In addition, the United Nations should ensure that child trafficking is linked to the six grave violations and abuses against children.[50] Such violations should be taken into consideration as grounds on which to bar countries that are repeatedly listed in the annual reports of the Secretary-General on children and armed conflict as being involved in such violations from contributing troops to United Nations operations.

C. Recommendations for strengthening responses to address trafficking of women and girls for purposes of sexual exploitation in conflict and post-conflict situations

73 All States, whether source, transit or destination countries of women and girls trafficked for sexual exploitation in conflict and post-conflict areas, should:

(a) Recognize and address the vulnerability of women and girls fleeing conflict to the risk of trafficking for sexual exploitation, whether in refugee/internally displaced persons camps or at the hands of the military, extremist groups or family members;

(b) Prevent early marriages, whether in refugee/internally displaced persons camps or in the host country;

(c) Prevent and prosecute all forms of trafficking of women and girls for temporary, forced and/or servile marriages;

(d) Identify, protect and assist victims of trafficking for sexual exploitation and sexual slavery;

(e) Address the root causes of trafficking in persons on the basis of a gender-sensitive approach, in cooperation with civil society organizations, United Nations agencies and programmes and international organizations;

(f) Ensure that issues concerned with sexual and other forms of gender-based violence, including human trafficking, are incorporated into peacebuilding

[50] See Security Council resolution 1612 (2005) and https://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/.

and post-conflict reconstruction processes and support women's full and equal participation in decision-making, especially when this relates to trafficking issues in conflict situations, in line with the general guidelines and recommendations of the *Global Study on the Implementation of United Nations Security Council Resolution 1325*.[51]

D. Recommendations in relation to the prevention of trafficking in persons for labour exploitation in conflict and post-conflict areas

74. State contracting agencies of armed forces deployed in conflict and post-conflict areas, including in the context of peacekeeping operations, should:

(a) Exercise due diligence when employing workers, including migrant workers, to provide goods and services and help to ensure that businesses operating in conflict and post-conflict areas are not involved in human rights abuses, including trafficking in persons for labour exploitation;

(b) Whenever possible, hire workers directly, rather than by engaging contractors or subcontractors or using intermediate agencies, to ensure that the supply chain is free of trafficking in persons;

(c) Ensure that business enterprises in conflict areas, whether private or State-owned/supported, are not involved in trafficking in persons, including for the purpose of labour exploitation, and ensure transparent and strict requirements for the entire recruitment process and strict rules for placement and employment agencies;

(d) Require and ensure that private individuals or companies they have contracted or subcontracted protect the rights of workers, including migrant workers and refugees, and provide decent working and living conditions to workers, including safeguarding their right to return and their freedom of assembly and association;

(e) Exercise due diligence to prevent or mitigate trafficking committed by subcontracted private individuals or companies that are directly linked to their operations, even if the State agencies of armed forces have not themselves contributed to the violations;

(f) Establish monitoring and control mechanisms at labour sites with an effective complaint mechanism to enable workers to report instances of trafficking.

E. Recommendations in relation to anti-trafficking action in peacekeeping operations

75. States contributing personnel to peacekeeping operations should:

(a) Waive the immunity of peacekeepers as soon as indications of their involvement in trafficking situations or exploitation have been detected, and prosecute perpetrators without delay;

[51] UN-Women, *Preventing Conflict, Transforming Justice, Securing the Peace*, 2015.

(b) Ensure that mandatory training for peacekeeping personnel includes the prevention of trafficking, the identification of situations involving trafficking or risks of trafficking and assistance to and protection of victims and potential victims, in cooperation with United Nations agencies and programmes and international organizations;

(c) Ensure adequate protection for whistle-blowers and prevent any adverse impact on their careers and working conditions;

(d) Disclose information publicly on disciplinary and administrative procedures taken by contributing countries in relation to alleged perpetrators within their national troops;

(e) Implement the special measures for protection from sexual exploitation and sexual abuse by United Nations peacekeeping personnel proposed by the Secretary-General (see A/70/729) and the recommendations contained in the report of the independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic, "Taking action on sexual exploitation and abuse by peacekeepers".[52]

76. The United Nations should:

(a) Continue its efforts to implement and reinforce the United Nations zero-tolerance policy for sexual exploitation and abuse by peacekeepers and ensure the protection of victims, including by negotiating with the host country the possibility of granting subsidiary jurisdiction to hear and adjudicate claims of sexual abuse and exploitation, and provide compensation to victims of trafficking in persons;

(b) Address labour exploitation by making all necessary efforts to ensure that, in conflict and post-conflict areas, including in the context of peacekeeping operations, all workers, including migrant workers, employed by State and non-State military actors, their contractors and subcontractors are employed under decent conditions of work, and establish a zero-tolerance policy towards violations of their fundamental rights.

F. Recommendations in relation to research and awareness-raising

77. Concerned governmental institutions, law enforcement authorities, civil society organizations, academia, United Nations agencies and programmes and international organizations should undertake further research on the different forms of trafficking in persons in relation to conflict and post-conflict situations, including on:

(a) The linkage between trafficking in persons and xenophobia, including the vulnerability of minority groups to trafficking;

(b) The linkage between gender and trafficking in persons in conflicts, not only with regard to girls and women but also boys and men;

[52] http://www.refworld.org/docid/568d16eb4.html.

(c) Recruitment modalities employed by extremist groups, especially with respect to children and their use as combatants, sexual slaves, human shields or suicide bombers;

(d) The link between organized crime and all forms of trafficking in persons, especially women and children, as a result of weak rule-of-law situations during and following conflicts;

(e) Illicit financial flows generated from criminal networks engaged in trafficking in persons;

(f) The role of individual, family and/or community-based criminal intermediation in fuelling human trafficking, especially for the purpose of temporary, forced and/or servile marriages related to conflict;

(g) Trafficking in persons for the purpose of removal of organs in the context of conflict;

(h) Early identification of cases of trafficking in persons, especially women and children, in the context of massive influxes of migrants as a result of conflict.

78. The media should be adequately sensitized about the linkage between trafficking in persons, especially women and children, and conflict, and should be aware of its gender dimension, in order to be able to report correctly about incidents of trafficking affecting girls, boys, women and men living in such circumstances.

79. Member States, United Nations entities, international and non-governmental organizations and civil society organizations should continue to raise awareness about human trafficking among at-risk populations along migration routes with regard to their risk of exploitation and abuse by human traffickers, including in hotspots, reception centres and transit camps, through the use of the Internet and targeted social-media-based campaigns.